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TAGS: [PREL](#) [PGOV](#) [PO](#)

SUBJECT: PORTUGUESE AUTHORITIES INVESTIGATING CIA FLIGHT
ALLEGATIONS

REF: A. 06 LISBON 2841

[1](#)B. 06 LISBON 2365

[1](#)C. 06 LISBON 1921

[1](#)1. (SBU) Summary: The Public Ministry received complaints from a crusading journalist and European Parliamentarian about alleged illegal CIA flights operating through Portugal.

These allegations are undergoing a preliminary investigation, but no legal case has yet been opened. The issue will nonetheless remain front-page news for the foreseeable future. Unless the government's consistent line that it was unaware of any illegalities is disproved -- and there is no indication evidence was presented that would do so -- Ana Gomes' vague allegations of wrongdoing will remain much ado about nothing. End summary.

[1](#)2. (U) Allegations regarding illegal CIA flights have grabbed headlines in Portugal for well over a year (Refs A-C). Recent statements from the independent Public Ministry (Attorney General, s Prosecutorial Service) ensure that it will remain front-page news for the foreseeable future. Foreign Minister Luis Amado and his predecessor have consistently maintained, in public remarks and parliamentary testimony, that the government is unaware of any illegalities. Amado is scheduled to appear before the National Assembly once again on February 16 to address the issue.

[1](#)3. (U) Crusading journalist Rui Costa Pinto and Member of the European Parliament Ana Gomes each filed complaints with the Public Ministry, which is the right of every Portuguese citizen. The complaints reportedly include violations of European and Portuguese human rights laws, Portuguese civil aviation statutes, and civil code violations by public figures that have not cooperated with investigative bodies.

[1](#)4. (U) Costa Pinto and Gomes each recently met with Attorney General Fernando Pinto Monteiro to submit documents regarding alleged CIA flights through Portuguese airspace and bases. Pinto Monteiro's office turned over the documents to the Public Ministry's Central Investigation and Prosecution Department (DCIAP) for review. On February 5, Deputy Attorney General Maria Candida Almeida reportedly told the state news agency that, "Before, we had not indications (of a crime), but the complaints we have received show areas we might explore."

[1](#)5. (U) The Public Ministry is charged with investigating and, if necessary, prosecuting any allegation of wrong-doing. While most cases are referred by the Ministry of Justice or the law enforcement agencies, any citizen has the right to file a complaint. As a matter of policy, allegations are referred to the DCIAP for an initial review. Should that review result in a judgment that there are grounds for a full investigation; such a recommendation is made to the Attorney

General's Office. If the Attorney General concurs, the allegation is assigned to a prosecutor and registered in the docket as a formal case.

16. (SBU) For a simple case, the prosecutor could begin prosecution at that stage, but usually the DCIAP would then conduct a full investigation under the general direction of the prosecutor. If a strong case is developed, the prosecutor would then bring the case to trial. The Costa Pinto and Gomes complaints are currently in the DCIAP's initial review phase, and no formal legal case has yet been opened, according to legal analysts.

Comment

17. (SBU) FM Amado and his predecessor have been consistent in their insistence that they were unaware of any illegalities associated with the alleged passage of CIA flights through Portuguese territory. Neither Gomes nor Costa Pinto have presented evidence in public that would contradict the statements of the Portuguese government officials. Rather, their allegations have been vague, accusing the government of being uncooperative with the European Parliament's investigation, and declaring they had heard of "strange things" occurring at Lajes Air Base in the Azores, such as the transport of people in shackles. At this point, the Public Ministry is adhering rigorously to its own processes and is obligated to examine any allegations of wrongdoing submitted to it. That said, unless the information shared with prosecutors in private is significantly more substantial than what the accusers have said publicly, it is hard to believe this very preliminary stage will lead to criminal charges. The simple reason is that we have seen no indication anyone in the government has violated Portuguese law.

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